

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 030723-PC	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/SE2003/001848	International filing date (day/month/year) 01.12.2003	Priority date (day/month/year) 06.12.2002
International Patent Classification (IPC) or national classification and IPC A01N43/90, 31/08, 37/10, 65/00, 25/00, 25/34		
Applicant Organox AB et al		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

Date of submission of the demand 01.07.2004	Date of completion of this report 02.03.2005
Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. +46 8 667 72 88	Authorized officer Solveig Gustavsson/EÖ Telephone No. +46 8 782 25 00

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the claims:
- pages _____ as originally filed/furnished
- pages* _____ as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the drawings:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-15</u>	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	<u>1-15</u>	NO
Industrial applicability (IA)	Claims	<u>1-15</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

- D1) JP 2001322907 A (TAIYO PERFUMERY CO LTD), WPI/DERWENT, AN 2002-220933, abstract
D2) STN INTERNATIONAL, File CAPLUS, AN 1999:197985, abstract
D3) US 5965137 A1
D4) JP 11049622 A (JAPAN TOBACCO INC), WPI/DERWENT, AN 1999-210702

The invention concerns a product, containing 1,8-cineole, menthol and methyl salicylate, for controlling a plant pest population and solves the problem of insects infesting the crop.

The aim of the invention is to repel the insects by repelling them with a non-toxic repelling composition.

Document D1 is considered to represent the closest prior art. D1 describes a product, containing 1,8-cineole and methyl salicylate that has repellent effect on thrips.

The invention according to claim 1 differs from the product in D1 in that it also contains menthol.

Consequently, with the background of D1, the problem is to develop an alternative composition which, in addition to the two repellent compounds, contains an additional repellent compound.

A solution to this problem is known from document D2, which describes a product for inhibiting settling of aphids. Oils containing menthol, such as peppermint oil, have especially high activity.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

It is therefore considered to be obvious for a person skilled in the art to use the teachings of D1 together with prior-art as specified in D2 in order to achieve an alternative composition according to the claimed invention.

No unexpected effect of the claimed composition, compared to known compositions or the individual compounds, has been shown.

Accordingly, the composition and method as claimed in claims 1 and 7 lack an inventive step.

The remaining claims are considered to involve particular detail executions obvious to a person skilled in the art. Therefore, the invention according to these claims is not considered to involve an inventive step.

Thus, the invention as specified in claims 1-15 are considered to have novelty and industrial applicability, but to lack inventive step.

D3 and D4 show that it is known to combine repellent compounds or oils into a composition.